

Letter for Electronic Distribution  
Original signed letter on file at the following address

Nevada Division of Environmental Protection  
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July 10, 2001

Frank Di Sanza  
Environmental Management  
National Nuclear Security Administration  
P.O. Box 98518  
Las Vegas, Nevada 89193-8518

Re: U.S. Air Force and Department of Energy Joint Environmental Assessment  
for Removal and Storage of Radioisotope Thermoelectric Generators

Dear Mr. Di Sanza

The Nevada Division of Environmental Protection (NDEP) has reviewed an "information sheet" about the disposition of an undisclosed number of Radioisotope Thermoelectric Generators that were used to produce electricity for seismic equipment operated by the U.S. Air Force in remote parts of Alaska. According to the referenced information, the U.S. Air Force and the Department of Energy, headquarters (DOE) are planning a joint Environmental Assessment (EA) for the removal and storage of these generators. However, NDEP is uncertain about the specific proposed action and alternatives that will be assessed in the referenced EA. It is recognized that the Nevada Test Site (NTS) is one of several facilities that will be considered in the EA for interim and/or permanent storage/disposal of these waste materials.

Present information indicates these thermoelectric generators would be considered Greater-Than-Class-C Waste (GTCCW). GTCC waste is a form of low-level waste that contains elevated concentrations of high activity long-lived radionuclides.

Mr. E. Frank Di Sanza, Director

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While DOE is responsible for disposal of these waste types – *per the Low-Level Radioactive Waste Policy Amendments Act of 1985* – we believe that DOE is not yet prepared to make an appropriate site decision for disposal and/or permanent storage of these waste materials.

It remains the State of Nevada's position that DOE must conduct a programmatic analysis under the National Environmental Policy Act (NEPA) that addresses various alternatives for final disposition of GTCC wastes along with other "orphan" defense high-activity LLW. This would include an analysis of site alternatives (i.e., disposal/storage locations) as well as alternative disposal/storage technologies such as disposal in a geological repository, in greater confinement bore holes or permanent storage in above/below ground vaults etc. However, neither commercial GTCC waste nor DOE defense high-activity LLW has been the subject of a programmatic analysis under NEPA. *(It's worth mentioning that in this context defense high-activity LLW could be described as defense waste that is considered equivalent to commercial GTCC waste.)*

If the DOE accepts GTCC waste and equivalent defense LLW waste without a programmatic analysis that addresses the full scope of alternatives for permanent storage/disposal of these materials, the Department will effectively be undercutting the public disclosure process required under NEPA. Pending completions of such an analysis, it is strongly suggested that DOE and the Air Force seek a temporary storage solution for the referenced thermoelectric generators.

Moreover, because these radiological sources would be classified as commercial wastes, while on the Air Force lands, these materials/wastes would continue to be regulated under the Air Force licensing authority from the Nuclear Regulatory Commission (NRC). Conversely, if DOE takes ownership/control of the referenced materials, the DOE would then be subject to NRC licensing authorities for management of the generators. The specific NRC/DOE regulatory responsibility for management/control of the generators should be clarified in the above referenced Environmental Assessment.

NDEP would appreciate your consideration in keeping us advised about any NEPA documentation prepared by DOE and/or the Air Force regarding disposition of the referenced radioisotope thermoelectric generators from Alaska.

Sincerely

Paul J. Liebendorfer, P.E.  
Chief  
Bureau of Federal Facilities

PJL/jbw

cc: Robert R. Loux, Governor's Office  
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